

Application No.: 10/689200
Docket No.: CL1747USNA

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REMARKS

Claims 1-40 are in the case. The claims have been made subject to a requirement to restrict. Claims 15, 16 and 19 were elected by Applicants without traverse in response to the office action mailed 3/24/2005, requiring restriction. Thus claims 15, 16 and 19 are under consideration here. All remaining claims are withdrawn from consideration.

Claim 19 has been allowed.

Claims 15 and 16 are rejected under 35 USC § 112

No new matter has been added.

Claim Objections

Claim 15 is objected to for informalities. Specifically part (a) recites "...selected from the group consisting of SEQ ID NO:2..." which is improper as a Markush group must have at least two elements.

The claim has been amended to overcome this objection

Claim Rejections 35 USC § 112

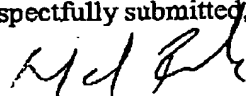
Claim 15 is rejected under 35 USC § 112, first paragraph for lack of enablement and Claims 15 and 16 are rejected under the same statutory provision for lack of written description. The substance of both rejections is that the claims fail both the enablement and written description requirement as the claims do not associate the claimed sequence with an activity.

SEQ ID NO:2 encodes the ntrA protein having documented nitrate transport activity. The claims have been amended to recite this limitation. Basis for this amendment is found in Table 5, page 46 of the specification and throughout.

Applicants submit that in view of this amendment the claims are fully enabled and the subject matter adequately described and respectfully request removal of all rejections and reconsideration of the claims as amended.

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,


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